

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EDWIN BARTOK, *et al.*,

Plaintiffs,

v.

HOMETOWN AMERICA, L.L.C., *et al.*,

Defendants.

Case No. 21-CV-10790-LTS

JOINT STATUS REPORT FOR FEBRUARY 6, 2024 STATUS CONFERENCE

Plaintiffs Edwin Bartok, Barbara Lee, Alan Dernalowicz, and the Manufactured Home Federation of Massachusetts, Inc. (collectively, “Plaintiffs”) and Defendants Hometown America, L.L.C., Hometown America Management, L.L.C., Miller’s Woods MHC, L.L.C., River Bend MHC, L.L.C., Hometown Oak Point I, L.L.C., and Hometown Oak Point II, L.L.C. (collectively, “Defendants” and together with Plaintiffs, the “Parties”) submit this Joint Status Report in advance of the February 6, 2024 Status Conference requested by the Parties.

1. On July 6, 2023, Plaintiffs filed a Motion to Compel Production of Documents and to Determine Sufficiency of Objections (“Motion to Compel”), Doc. No. 141, a motion which sought – among other things – to compel Defendants’ production of financial and organizational documents in response to Plaintiffs’ outstanding document requests.

2. On September 29, 2023, the Court ordered Defendants to – among other things – serve amended responses to Plaintiffs’ outstanding document requests with respect to the sought-after financial and organizational documents (“September 29 Order”). Doc. No. 156.

3. In the September 29 Order, the Court also directed the Parties to file a Joint Status Report by October 20, 2023, stating either that the issues concerning Defendants' production of financial and organizational information are resolved fully or presenting the Parties' separate positions as to the additional discovery sought by Plaintiffs under the existing requests listed in their Motion to Compel papers. *Id.*

4. On October 6, 2023, Defendants served amended responses to Plaintiffs' outstanding document requests, amended responses which addressed – among other things – Plaintiffs' requests for financial and organizational information.

5. Between October 6, 2023 and December 1, 2023, Defendants also produced to Plaintiffs documents responsive to Plaintiffs' requests for financial and organizational information.

6. On December 11, 2023, Defendants further provided Plaintiffs with a privilege log accompanying the December 1st document production. A copy of the December 11th privilege log is filed herewith as **Exhibit 1**.

7. On January 29, 2024, Defendants provided Plaintiffs with a letter supplementing the information provided in the December 11th privilege log. A copy of the January 29th letter is filed herewith as **Exhibit 2** (the "Zilis Letter").

8. On January 30, 2024, the Parties filed their Fourth Status Report pursuant to the September 29 Order, explaining that the Parties had not resolved their remaining differences, and had reached an impasse concerning whether Defendants are obligated to produce additional responsive documents sought by Plaintiffs, under the existing requests listed in the Motion to Compel. Doc. No. 171. To assist them with resolving the remaining dispute, the Parties requested

and the Court set a Status Conference, which is presently scheduled for tomorrow, February 6, 2024. Doc. Nos. 171-172.¹

9. On February 1, 2024, the Parties conferred further regarding their competing positions, remaining differences, and current concerns. As a result of that discussion, Plaintiffs' counsel sent a follow-up email message, proposing "revised Requests for Production that meet Plaintiffs' legitimate discovery needs in light of the information provided in the January 29th Zilis letter...." A copy of that February 1, 2024 email is filed herewith as **Exhibit 3**.

10. Defendants have advised Plaintiffs today, and confirm to the Court, that they will respond in good faith to the revised document requests of February 1, 2024, and that they now intend to produce additional documents consistent with their good-faith responses to those revised requests by Monday, February 19, 2024.

11. Based on these recent developments, the Parties now seek to defer the scheduled February 6th status conference, to allow time for the above-described next steps to be taken, with the goal of resolving their remaining discovery disputes encompassed by the Motion to Compel, if and to the extent possible.

REQUEST FOR RELIEF

Based on the foregoing, the Parties now jointly request that the Court take the following actions:

- (a) Postpone the February 6, 2024 status conference, and reschedule it for March 8, 2024 or the soonest convenient date thereafter; and

¹ The Parties' three earlier Joint Status Reports had advised the Court that the the Parties were collaborating in good faith to resolve any remaining discovery disputes encompassed by the Motion to Compel. Doc. Nos. 157, 160 & 168.

(b) Require the Parties to file on or before March 6, 2024, their Fifth Joint Status Report including an update on Defendants' response to Plaintiffs' February 1, 2024 revised requests for production, in anticipation of the next status conference.

Respectfully submitted,

This 5th day of February, 2024

EDWIN BARTOK,
BARBARA LEE,
ALAN DERNALOWICZ,
and THE MANUFACTURED HOME
FEDERATION OF MASSACHUSETTS, INC.,

By their attorney,

/s/ Ethan R. Horowitz

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2024, the foregoing Joint Status Report was electronically filed with the Clerk of the Court through the CM/ECF system, which will send notification of such filing to registered participants, including counsel for the Defendants.

/s/ Ethan R. Horowitz

Ethan R. Horowitz